FILED IN CLERK'S OFFICE
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT
OF GEORGIA

2020 JUL 31 PM 4: 08

IN THE UNITED STATES DISTRICT COURT REGINA THOMAS OLERK NORTHERN DISTRICT OF GEORGIA ROME DIVISION DEPUTY CLERK

IN RE:)	
MICHAEL SHANNON ARP,)	CHAPTER 13
Debtor.)	CASE NO. 20-40924-PWB
)	JUDGE BONAPFEL

OBJECTION TO PLAN CONFIRMATION AND MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW SEVEN HILLS RENTALS, INC. ("Seven Hills") and files this objection to plan confirmation of the Debtor's proposed Chapter 13 Plan and moves this Court for relief from the automatic stay and shows the Court as follows:

BACKGROUND

1.

The Debtor, Michael Shannon Arp, entered a rental agreement with Seven Hills in October of 2018 to lease the premises located at 25A Conifer Ring, Rome, Georgia 30165.

2.

In accordance with the Debtor's rental agreement, he is obligated to pay rent in the amount of \$575.00 per month on a month-to-month basis.

3.

The Debtor has failed or refused to pay rent since March of 2020 and continuing each month since the Debtor's filing of this bankruptcy. A true and correct copy of the Debtor's lease ledger is attached hereto as **Exhibit** "A."

4.

As a result, the Debtor owes Seven Hills the total amount of \$4,034.52. Such amount will continue to grow each month the Debtor does not make rental payments to Seven Hills while continuing to occupy the premises.

I. Objection to Plan Confirmation

5.

The Debtor filed his Amendment to Schedule G (Doc. 21) wherein the Debtor expressly assumed his lease and rental obligations to Seven Hills on 6/29/2020.

6.

In reviewing the Debtor's proposed Plan, the Debtor has failed or refused to include the rental obligation arrearage owed to Seven Hills in his Chapter 13 plan.

7.

Seven Hills, as the lessor of a lease in which the Debtor has expressly assumed, is entitled to payment of the arrearage owed by the Debtor as of the petition date. 11 U.S.C. § 365(d)(2).

8.

As of the petition date, the Debtor owed Seven Hills the total sum of \$2,236.58, representing past due rent and late fees. Seven Hills is entitled to payment of the past due arrearage as part of the Debtor's Chapter 13 Plan.

II. Motion for Relief from Stay to Pursue State Law Remedies

9.

Since the petition date, the Debtor has incurred an additional \$1,797.94 in past due rent.

10.

As a result of the Debtor's non-payment of rent accruing after the petition date, Seven Hills is entitled to relief from the automatic stay to pursue its rights and remedies in state court to reclaim the premises currently occupied by the Debtor at 25A Conifer Ring, Rome, Georgia 30165.

WHEREFORE, based on the foregoing, Seven Hills Rentals, Inc. respectfully requests:

- (a) that a hearing be held on Seven Hills' objection to plan confirmation and motion for relief from the automatic stay;
- (b) that the Court would deny the confirmation of the Debtor's proposed plan based upon his failure to include the arrearage owed to Seven Hills pre-petition

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or, in the alternative, require the Debtor to modify his Plan to allow for arrearage payments to Seven Hills for the amount owed to Seven Hills pre-petition;

- (c) that the Court would grant Seven Hills relief from the automatic stay to pursue its rights with respect to the premises located at 25A Conifer Ring, Rome, GA 30165 in state court, including pursuing a dispossessory action against the Debtor;
- (d) that the Court would waive the 14-day stay of an order granting Seven Hills relief from the automatic stay pursuant to Fed. R. Bank. 4001(a)(3); and
- (e) that the Court would grant it any such other and further relief that this Court deems just and proper.

Respectfully submitted,

SEVEN HILLS RENTALS, INC.

Abbi Ratliff, Associate/Broker

176 E. 2nd Street

Rome, Georgia 30161

abbi@sevenhillsrentals.com

(706) 295-3733

CERTIFICATE OF SERVICE

I, Abbi Ratliff, hereby certify that I have this day filed the foregoing OBJECTION TO PLAN CONFIRMATION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY with the Clerk and the Clerk has electronically filed the same for service to all parties of interest this 31st day of July, 2020.

Abbi Ratliff

Tenant Ledger 0-40924-pwb Doc 25 Filed 07/31/20 Entered 07/31/20 16:17:36 **Desc Main** Page 6 of 7 Document

EXHIBIT A

575.00

57.55

575.00

300.00

234.00

575.50

633.05

333.05

99.05

674.05

Tenants: Michael S. Arp Mobile: (678) 901-7945 Mobile: (678) 274-8873

Unit: A

Property: 25 Conifer Ring Rome, GA 30165

Status: Current

Move in date: 07/01/2019

Move out date: -

Lease Expiration: 10/31/2019

Rent: 575.00

09/01/2019

09/06/2019

09/20/2019

09/27/2019

10/01/2019

Michael S. Arp

Michael S. Arp

Payer	Description	Charges	Payments	Balance
Ce Communication	Mag (Mag) (M			0.00
	Application Fee Income	35.00		35.00
Tiffany M. Mayo	Credit Card Payment (Reference #1NCO-BJRU)	- an a leasan in a leasan l	35.00	0.00
	Mgmt Held Security Deposits - Move In Charge: Mgmt Held Security Deposits	575.00		575.00
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Tiffany M. Mayo	Payment (Reference #2081033787)		575.00	370.97
Tiffany M. Mayo	Payment (Reference #20797861045)	and a second of the first second of the	370.97	0.00
Tiffany M. Mayo	ACH Payment (Reference #F6D4-964C)		575.00	-575.00
en i Trasilli (filo i Italia cilin co i Messi ni escensione com l'Isra Suiri), letter	Rent Income - November 2018	575.00	n er is. Diskoulde m isteri keit is	0.00
Tiffany M. Mayo	ACH Payment (Reference #565B-A356)		575.00	-575.00
State State Control to the State Sta	Rent Income - December 2018	575.00	er (4) (4) (1) (1)	0.00
Tiffany M. Mayo	ACH Payment (Reference #64ED-5EE0)		575.00	-575.00
1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Rent Income - January 2019	575.00	. T. andrews	0.00
Tiffany M. Mayo	ACH Payment (Reference #92E7-ACC6)		575.00	-575.00
	Rent Income - February 2019	575.00	Control of the Contro	0.00
Tiffany M. Mayo	ACH Payment (Reference #810D-338C)		575.00	-575.00
	Rent Income - March 2019	575.00		0.00
Tiffany M.:Mayo	ACH Payment (Reference #592E-564C)		575.00	-575.00
enterior contrate the same of	Rent Income - April 2019	575.00		0.00
Tiffany M. Mayo	ACH Payment (Reference #55BB-6226)		575.00	-575.00
entale and the latest of latest to the latest translated between the work of a many of the control of the latest terms of the	Rent Income - May 2019	575.00	and property of the same and th	0.00
Tiffany M. Mayo	ACH Payment (Reference #EF31-9B52)		575.00	-575.00
an a nagyon ny ny inn anny ny asystema a ty y a propagasy nagyn bantaga	Rent Income - June 2019	575.00	E 175 - 176 A NOVE OF THE BEING OF BRIDE	0.00
Michael S. Arp	Payment (Reference #2106348650)		575.00	-575.00
	Rent Income	575.00	and the second of the second o	0.00
	Rent Income - August 2019	575.00		575.00
a a makay katago, a sayaya ka ka sayan sakan aya a saya aya aya ya ya sa a saya a saya a saya a saya a saya sa	Late Fee - Late Fee for Aug 2019	57.50	rangar, prospranje oraz napro pominjeganje raka i praparazana	632.50
Michael S. Arp	Payment (Reference #17983894267)		575.00	57.50
Michael S. Arp	Payment (Reference #6975696113)		57.00	0.50
	Tiffany M. Mayo Michael S. Arp	Application Fee Income Tiffany M. Mayo Credit Card Payment (Reference #1NCO-BJRU) Mgmt Held Security Deposits - Move In Charge: Mgmt Held Security Deposits Rent Income - Move In Charge: Rent Income Tiffany M. Mayo Payment (Reference #2081033787) Tiffany M. Mayo Payment (Reference #2081033787) Tiffany M. Mayo ACH Payment (Reference #604-964C) Rent Income - November 2018 Tiffany M. Mayo ACH Payment (Reference #565B-A356) Rent Income - December 2018 Tiffany M. Mayo ACH Payment (Reference #64ED-5EE0) Rent Income - January 2019 Tiffany M. Mayo ACH Payment (Reference #92E7-ACC6) Rent Income - February 2019 Tiffany M. Mayo ACH Payment (Reference #810D-338C) Rent Income - March 2019 Tiffany M. Mayo ACH Payment (Reference #592E-564C) Rent Income - April 2019 Tiffany M. Mayo ACH Payment (Reference #55BB-6226) Rent Income - May 2019 Tiffany M. Mayo ACH Payment (Reference #EF31-9B52) Rent Income - June 2019 Michael S. Arp Payment (Reference #2106348650) Rent Income Rent Income - August 2019 Late Fee - Late Fee for Aug 2019 Michael S. Arp Payment (Reference #17983894267)	Application Fee Income 35.00 Tiffany M. Mayo Credit Card Payment (Reference #1NCO-BJRU) Mgmt Held Security Deposits - Move In Charge: Mgmt 575.00 Held Security Deposits - Move In Charge: Mgmt 575.00 Held Security Deposits - Move In Charge: Mgmt 575.00 Held Security Deposits - Move In Charge: Mgmt 575.00 Rent Income - Move In Charge: Rent Income 370.97 Tiffany M. Mayo Payment (Reference #2081033787) Tiffany M. Mayo ACH Payment (Reference #604-964C) Rent Income - November 2018 575.00 Tiffany M. Mayo ACH Payment (Reference #565B-A356) Rent Income - December 2018 575.00 Tiffany M. Mayo ACH Payment (Reference #64ED-5EE0) Rent Income - January 2019 575.00 Tiffany M. Mayo ACH Payment (Reference #92E7-ACC6) Rent Income - February 2019 575.00 Tiffany M. Mayo ACH Payment (Reference #810D-338C) Rent Income - March 2019 575.00 Tiffany M. Mayo ACH Payment (Reference #55BB-6226) Rent Income - April 2019 575.00 Tiffany M. Mayo ACH Payment (Reference #55BB-6226) Rent Income - May 2019 575.00 Tiffany M. Mayo ACH Payment (Reference #EF31-9B52) Rent Income - June 2019 575.00 Michael S. Arp Payment (Reference #2106348650) Rent Income - August 2019 575.00 Michael S. Arp Payment (Reference #17983884267)	Application Fee Income 35.00 Tiffany M. Mayo Credit Card Payment (Reference #1NCO-BJRU) 35.00 Mignrt Held Security Deposits - Move in Charge: Mignt For St. 200 Rent Income - Move in Charge: Rent Income 370.97 Tiffany M. Mayo Payment (Reference #2091033787) 575.00 Tiffany M. Mayo Payment (Reference #2091033787) 575.00 Tiffany M. Mayo ACH Payment (Reference #604-964C) 575.00 Rent Income - November 2018 575.00 Tiffany M. Mayo ACH Payment (Reference #5658-A356) 575.00 Tiffany M. Mayo ACH Payment (Reference #64ED-SEE0) 575.00 Tiffany M. Mayo ACH Payment (Reference #84ED-SEE0) 575.00 Rent Income - January 2019 575.00 Tiffany M. Mayo ACH Payment (Reference #92E7-ACC6) 575.00 Rent Income - February 2019 575.00 Tiffany M. Mayo ACH Payment (Reference #8100-338C) 575.00 Rent Income - April 2019 575.00 Tiffany M. Mayo ACH Payment (Reference #5588-626) 575.00 Rent Income - May 2019 575.00 Michael S. Arp Payment (Reference #2106348650) 575.00 Rent Income - August 2019 575.00 Tiffany M. Mayo Payment (Reference #17983894267) 575.00 Tiffany M. Mayo Payment (Reference #17983894267) 575.00 Tiffany M. Mayo Payment (Refe

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Rent Income - September 2019

Late Fee - Late Fee for Sep 2019

Rent Income - October 2019

Payment (Reference #17683146048)

Payment (Reference #17683146165)

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Date	Payer	Description Page 7 of 7	Charges	Payments	Balance
10/06/2019		Late Fee - Late Fee for Oct 2019	67.41	man monanteste s - homebre f	741.46
10/14/2019		Passthru Administrative Fees - admin fee	35.00		776.46
10/14/2019		Passthru Dispossessory/Garnishment Fees - dispo	95.00	the and the commence of the co	871.46
10/31/2019	Michael S. Arp	Payment (Reference #17686018554)		1,000.00	-128.54
10/31/2019	Michael S. Arp	Payment (Reference #17686018555)	menter and public discovery representation of the second public for the second public fo	446.46	-575.00
11/01/2019		Rent Income - November 2019	575.00		0.00
12/01/2019		Rent Income - December 2019	575.00	emmercia de riferia e e distribuidos.	575.00
12/06/2019		Late Fee - Late Fee for Dec 2019	57.50		632.50
12/23/2019	Michael S. Arp	Payment (Reference #19046611107)	eric indig i de in for fallendigeliefe op 120 in Nobel op 120 in de	632.50	0.00
01/01/2020		Rent Income - January 2020	575.00		575.00
01/06/2020		Late Fee - Late Fee for Jan 2020	57.50	. B. , Augus and A. subblick of Mills and Landing	632.50
01/21/2020		Passthru Administrative Fees - admin fee	35.00		667.50
01/21/2020		Passthru Dispossessory/Garnishment Fees - dispo	95.00	- server - Audioritic and Decile and a	762.50
02/01/2020		Rent Income - February 2020	575.00		1,337.50
02/03/2020	Michael S. Arp	Payment (Reference #19061493299)	and the company of the second	762.50	575.00
02/06/2020		Late Fee - Late Fee for Feb 2020	57.50		632.50
02/07/2020	The state of the s	Passthru - Credit Card Fee - credit card fee	31.63	one gymnia ere bening miljerekong ide floggi, ng	664.13
02/12/2020		Passthru Administrative Fees - admin fee	35.00		699.13
02/12/2020		Passthru Dispossessory/Garnishment Fees - dispo	95.00	manga a a a a a senaga a (bal se (bal) a a a a	794.13
03/01/2020		Rent Income - March 2020	575.00		1,369.13
03/02/2020	Michael S. Arp	Payment (Reference #19046613703)	in the second of	794.13	575.00
03/06/2020		Late Fee - Late Fee for Mar 2020	57.50		632.50
04/01/2020		Rent Income - April 2020	575.00	allen (M) on the ground graphs and the experience of the control o	1,207.50
04/06/2020		Late Fee - Late Fee for Apr 2020	120.75		1,328.25
04/20/2020	A COMPANY OF THE PROPERTY OF THE PARTY OF TH	Passthru Dispossessory/Garnishment Fees - dispo	95.00	Annual Marie Commission (Commission Commission Commissi	1,423.25
04/20/2020		Passthru Administrative Fees - admin fee	35.00		1,458.25
05/01/2020	, the usual time and the first incommendation is a surveyed to communicate upon the repeated	Rent Income - May 2020	575.00	- Rigger (1985) and the Signature of the	2,033.25
05/06/2020		Late Fee - Late Fee for May 2020	203.33		2,236.58
06/01/2020	, and a second s	Rent Income - June 2020	575.00	enimente i Transferior en 1900 e la P _{ar} un Legio de	2,811.58
06/06/2020	X	Late Fee - Late Fee for Jun 2020	281.16		3,092.74
07/01/2020	 Leading of the second of the se	Rent Income - July 2020	575.00	recovered the rainer of the equilibrium controlled	3,667.74
07/06/2020		Late Fee - Late Fee for Jul 2020	366.78		4,034.52

Total 4 034 52

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